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10/696,972	10/30/2003	Carsten Sorensen	M61.12-0541	8498

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EXAMINER	
STRODER, CARRIE A	
ART UNIT	PAPER NUMBER
4154	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/696,972	SORENSEN, CARSTEN	
	Examiner	Art Unit	
	CARRIE STRODER	4154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

a. Line 15, page 5 "registers" should be "register";

b. Line 14, page 6 "exemplary operating environment 100" is used to refer to what is previously referred to as "computing system environment 100" in line 5 - applicant must be consistent;

c. Line 16, page 9 "o" should be "of";

d. Line 13, page 17 "generates and publishes" should be "generate and publish"; and

e. Line 22, page 21 "whishes" should be "wishes."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by US PG Pub 20020143692 Heimermann et al (hereinafter Heimermann).

3. Claim 1 describes a computer implemented method of responding to a request for a supplier quotation (RFQ) indicative of terms for delivery of goods or services by the supplier, the method comprising: accessing an index of RFQ's, the RFQ's being generated by at least one requester; Identifying an RFQ for reply; retrieving the identified RFQ from a data store at the requester; and generating a reply to the retrieved RFQ. Heimermann, in paragraphs 13, 15, and 182 of the detailed description, teaches a method of procurement using reverse auction which includes all the afore-mentioned elements. Heimermann provides for an on-line list, or index, of requests for quotes and reveals a method of a supplier replying to the request. Although Heimermann is directed to ordering supplies rather than services, as, for example, painting bicycles, either Heimermann or the invention as disclosed in the application could be used to order both goods and services without modification.

4. Claim 2 is dependent on claim 1; therefore the rejection of claim 1 is incorporated herein. Claim 2 further requires filtering entries in the index of RFQ's based on supplier filter

criteria; and identifying the identified RFQ as an RFQ that meets the supplier filter criteria. Heimermann, in paragraphs 14 and 121 teaches alerting suppliers of items as they are requisitioned, which requires filtering the orders to alert the appropriate suppliers.

5. Claim 3 is dependent on claim 1; therefore the rejection of claim 1 is incorporated herein. Claim 3 further requires applying detailed supplier filter criteria to the retrieved RFQ based on a content of the retrieved RFQ. Heimermann, in paragraphs 14 and 121 teaches alerting suppliers of items as they are requisitioned, which requires filtering the orders to alert the appropriate suppliers.

6. Claim 4 is dependent on claim 3; therefore, the rejection of claim 3 is incorporated herein. Claim 4 further requires generating a reply to the retrieved RFQ only if it meets the detailed supplier filter criteria. Heimermann, in paragraphs 181-182 teaches posting requests for supplies and the development of bidding software to automatically reply to the posts.

7. Claim 5 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated herein. Claim 5 further requires transmitting the reply to the requester that generated the

retrieved RFQ. Heimermann, in paragraph 15 teaches the transmission of a reply to the requisitioner of the supplies.

8. Claim 6 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated herein. Claim 6 further requires that generating the reply comprises accessing the content of the retrieved RFQ; and generating the reply based on the content of the RFQ. Heimermann, in paragraphs 181-182 teaches the accession of the posted requisition requests and replies to them by the suppliers.

9. Claim 7 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated herein. Claim 7 further requires automatically generating the reply based on the content of the RFQ. Heimermann, in paragraphs 181-182 anticipates the automation of suppliers replies.

10. Claim 8 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated herein. Claim 8 further requires accessing the index over a global computer network. Heimermann, in paragraph 13 teaches the use of the internet to access requisition orders.

11. Claim 9 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated herein. Claim 9 further requires retrieving the identified RFQ from the data store at the request over a global computer network. Heimermann, in paragraphs 181-

182 teaches the use of the internet to retrieve the requisition orders.

12. Claim 19 is a computer implemented method of indexing requests for supplier quotations, each of which are generated by a requester and include job information indicative of terms of delivery of goods or services from a supplier to the requester, the method comprising: receiving indexing information from the requesters, the indexing information being indicative of the RFQ's and entering an entry for each RFQ in an index based on the index information, the entry being indicative of a category of a corresponding RFQ and a location of the corresponding RFQ on a data store at the requester, the index being exposed to access by suppliers. Heimermann, in paragraph 81 teaches the posting of organized requisition requests on the internet, which exposes them to the suppliers.

13. Claim 21 is dependent on claim 19; therefore the rejection of claim 19 is incorporated herein. Claim 21 further requires the indexing information include receiving an identifier of a specific supplier. Heimermann, in paragraphs 14 and 15 teaches providing notice to authorized suppliers, which requires that the suppliers be associated with the list of requisitioned items.

14. Claim 22 is dependent on claim 21; therefore the rejection of claim 21 is incorporated herein. Claim 22 further requires the specific supplier be notified when the RFQ identifying the supplier is indexed. Heimermann, in paragraphs 14-15 teaches providing notice to authorized suppliers.

15. Claim 23 is dependent on claim 19; therefore the rejection of claim 19 is incorporated herein. Claim 23 further requires the indexing information be received from a remote requester over a network. Heimermann, in paragraph 13 teaches using the internet, a network, to conduct procurement transactions.

16. Claim 24 describes a system of responding to a request for a supplier quotation (RFQ) indicative of terms for delivery of goods or services by the supplier, the method comprising: accessing an index of RFQ's, the RFQ's being generated by at least one requester; Identifying an RFQ for reply; retrieving the identified RFQ from a data store at the requester; and generating a reply to the retrieved RFQ. Heimermann, in paragraphs 13 and 182 of the detailed description, teaches a method of procurement using reverse auction which includes all the afore-mentioned elements. Heimermann provides for an on-line list, or index, of requests for quotes and reveals a method of a supplier replying to the request. Although Heimermann is directed to ordering supplies rather than services, as, for

example, painting bicycles, either Heimermann or the invention as disclosed in the application could be used to order both goods and services without modification.

17. Claim 25 is dependent on claim 24; therefore the rejection of claim 24 is incorporated herein. Claim 25 further requires filtering entries in the index of RFQ's based on supplier filter criteria; and identifying the identified RFQ as an RFQ that meets the supplier filter criteria. Heimermann, in paragraphs 14 and 121 teaches alerting suppliers of items as they are requisitioned, which requires filtering the orders to alert the appropriate suppliers.

18. Claim 26 is dependent on claim 24; therefore the rejection of claim 24 is incorporated herein. Claim 26 further requires applying detailed supplier filter criteria to the retrieved RFQ based on a content of the retrieved RFQ. Heimermann, in paragraphs 14 and 121 teaches alerting suppliers of items as they are requisitioned, which requires filtering the orders to alert the appropriate suppliers.

19. Claim 27 is dependent on claim 26; therefore, the rejection of claim 26 is incorporated herein. Claim 27 further requires generating a reply to the retrieved RFQ only if it meets the detailed supplier filter criteria. Heimermann, in paragraphs 181-182 teaches posting requests for supplies and the

development of bidding software to automatically reply to the posts.

20. Claim 28 is dependent on claim 24; therefore, the rejection of claim 1 is incorporated herein. Claim 28 further requires that generating the reply comprises accessing the content of the retrieved RFQ; and generating the reply based on the content of the RFQ. Heimermann, in paragraphs 181-182 teaches the accession of the posted requisition requests and replies to them by the suppliers.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

22. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heimermann as applied to claim 1 above, and further in view of Hafner et al US 5893076 A (hereinafter Hafner).

Claim 10 further requires that prior to accessing the index, the supplier register and download a reply engine, which accesses the index. Heimermann does not teach this. However, Hafner, in the detailed description, paragraphs 4-7 teaches downloading information over a transmission line to access the inventory information. It would have been obvious to a person skilled in the art to combine Hafner with Heimermann, in order to have suppliers bid automatically through downloaded information, rather than bid directly on the internet.

23. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heimermann, further in view of Hafner. Claim 11 recites a computer implemented method of soliciting a response to a RFQ, the RFQ being generated by a requester and including job information indicative of terms for delivery of goods or services from a supplier to the requester, the method comprising: entering the job information into a predetermined RFQ template; saving the RFQ template at a predetermined location in a data store local to the requester, such that the RFQ template is exposed for downloading to a supplier for generation of a reply; and sending indexing information for computer implemented indexing of the RFQ template at a remote index. Heimermann, in paragraphs 109-110 and 172 teaches posting the order information and using a template to order the

desired items. Heimermann does not teach downloading the information regarding the required items. However, Hafner, in col. 3, lines 64-67 thru col. 4, line 42, teaches downloading the information regarding the required items. It would have been obvious to a person skilled in the art to combine Hafner with Heimermann to make a requisitioning system that is automated from both the standpoint of the person ordering the goods and the person supplying the goods.

24. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heimermann, further in view of Hafner, as applied to claim 11 and as follows. Claim 12 further requires, prior to entering the job information, providing supplier registration information to a registration component and downloading an RFQ generation engine, which sends the index information. Heimermann, in paragraph 107 teaches posting the order information and using a template to order the desired items. Heimermann does not teach downloading the information regarding the required items. However, Hafner, in col. 3, lines 64-67 thru col. 4, line 42, teaches downloading the information regarding the required items. It would have been obvious to a person skilled in the art to combine Hafner with Heimermann to make a requisitioning system that is automated from both the

standpoint of the person ordering the goods and the person supplying the goods.

25. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heimermann, further in view of Hafner, as applied to claim 11 and as follows. Claim 13 further requires entering requester filter criteria indicative of suppliers authorized to reply to the RFQ template. Heimermann, in paragraph 107 teaches using criteria to determine which suppliers are authorized to respond to requisition requests.

26. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heimermann, further in view of Hafner, as applied to claim 11 above and as follows. Claim 14 further requires entering requester filter criteria indicative of suppliers authorized to reply to the RFQ template. Heimermann, in paragraph 107 teaches using criteria to determine which suppliers are authorized to respond to requisition requests.

27. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heimermann, further in view of Hafner, as applied to claim 11 and as follows. Claim 15 further requires receiving a reply to the RFQ template from a supplier. Heimermann, in paragraph 111 teaches the suppliers reply to the posted requisition order.

28. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heimermann, further in view of Hafner, as applied to claim 15 and as follows. Claim 16 further requires entering award criteria indicative of criteria considered in awarding a job corresponding to the RFQ to a supplier. Heimermann, in paragraph 183 teaches that the system makes deductive determinations as to which bid to accept.

29. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heimermann, further in view of Hafner, as applied to claim 15 and as follows. Claim 17 further requires evaluating the received reply based on the award criteria and suggesting a winning supplier based on the evaluation of the award criteria. Heimermann, in paragraph 183 teaches that the system makes deductive determinations as to which bid to accept and suggests a winner to the requisitioner.

30. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heimermann, further in view of Hafner, as applied to claim 17 and as follows. Claim 18 further requires that the evaluation criteria weight the award criteria according to a predetermined weight. Heimermann, in paragraph 184 teaches that the system primarily makes awards based on price, but also “factors in” other considerations, thereby factoring other criteria by a necessarily predetermined weight.

31. Claim 20 is rejected under 35 U.S.C. 103 as being unpatentable over Heimermann, as applied to claim 19, further in view of Edlund et al US 7251628 B1 (hereinafter Edlund). Claim 20 further requires the entry include filter criteria accessible by the suppliers to identify RFQ's for reply. Heimermann does not teach this; however, Edlund does. Each RFQ includes information which is searchable, which would have been known to a person of ordinary skill in the art at the time of the invention and which is revealed in Edlund, col. 2, lines 22-34, as known. It would have been obvious to one skilled in the art to combine searching auction sites, as anticipated by Edlund with Heimermann in order to make a more bidder-friendly system allowing bidders to search reverse auction sites.

32. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heimermann, further in view of Hafner. Claim 29 recites a computer implemented method of soliciting a response to a RFQ, the RFQ being generated by a requester and including job information indicative of terms for delivery of goods or services from a supplier to the requester, the method comprising: entering the job information into a predetermined RFQ template; saving the RFQ template at a predetermined location in a data store local to the requester, such that the RFQ template is exposed for downloading to a supplier for

generation of a reply; and sending indexing information for computer implemented indexing of the RFQ template at a remote index. Heimermann, in paragraphs 109-110 and 172 teaches posting the order information and using a template to order the desired items. Heimermann does not teach downloading the information regarding the required items. However, Hafner, in col. 3, lines 64-67 thru col. 4, line 42, teaches downloading the information regarding the required items. It would have been obvious to a person skilled in the art to combine Hafner with Heimermann to make a requisitioning system that is automated from both the standpoint of the person ordering the goods and the person supplying the goods.

33. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heimermann, further in view of Hafner, as applied to claim 29 and as follows. Claim 30 further requires entering requester filter criteria indicative of suppliers authorized to reply to the RFQ template. Heimermann, in paragraph 107 teaches using criteria to determine which suppliers are authorized to respond to requisition requests.

34. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heimermann, further in view of Hafner, as applied to claim 29 above and as follows. Claim 31 further requires entering requester filter criteria indicative of

suppliers authorized to reply to the RFQ template. Heimermann, in paragraph 107 teaches using criteria to determine which suppliers are authorized to respond to requisition requests.

35. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heimermann, further in view of Hafner, as applied to claim 29 and as follows. Claim 32 further requires receiving a reply to the RFQ template from a supplier. Heimermann, in paragraph 111 teaches the suppliers reply to the posted requisition order.

36. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heimermann, further in view of Hafner, as applied to claim 32 and as follows. Claim 33 further requires entering award criteria indicative of criteria considered in awarding a job corresponding to the RFQ to a supplier. Heimermann, in paragraph 183 teaches that the system makes deductive determinations as to which bid to accept.

37. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heimermann, further in view of Hafner, as applied to claim 33 and as follows. Claim 34 further requires evaluating the received reply based on the award criteria and suggesting a winning supplier based on the evaluation of the award criteria. Heimermann, in paragraph 183 teaches that the

system makes deductive determinations as to which bid to accept and suggests a winner to the requisitioner.

38. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heimermann, further in view of Hafner, as applied to claim 34 and as follows. Claim 35 further requires that the evaluation criteria weight the award criteria according to a predetermined weight. Heimermann, in paragraph 184 teaches that the system primarily makes awards based on price, but also "factors in" other considerations, thereby factoring other criteria by a necessarily predetermined weight.

Conclusion

39. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Carlton-Foss US 6647373.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARRIE STRODER whose telephone number is (571)270-7119. The examiner can normally be reached on Monday - Thursday 7:00 a.m. - 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571)272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CARRIE STRODER, J.D., B.C.L./
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